

EXHIBIT 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA ROBERT STARNES,

Defendant.

NO. CR 10-5294RBL

DECLARATION OF BRIAN
WERNER

1. I am the Assistant United States Attorney assigned to prosecute this case. I am over 18 years old and competent to make this declaration.

2. Attached as Exhibit 2 to the Government's Sentencing Memorandum of Joshua Robert Starnes are true and correct copies of excerpts from the transcribed interview of Joshua Robert Starnes on December 31, 2009, specifically pages stamped 0045, 0054-55, and 0062. This interview was conducted by the Washington State Patrol. This transcript and these pages were provided in discovery to the defense.

3. I affirm that the foregoing is true and correct.



BRIAN D. WERNER

Assistant United States Attorney

DECLARATION OF BRIAN D. WERNER/STARNES -I

CR 10-5294RBL

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WASHINGTON STATE PATROL
STATEMENT OF JOSHUA STARNES

CASE #10-09-019605

W: Detective Shelby Wilcox ST: Detective William Steen

S: Joshua Starnes

Throughout recording is wind and rain.

W: Okay Detective Wilcox with the Washington State Patrol. There are two persons present in the room aside from Mr. Starnes.

Today's date is December 31 2009. And the time is 1325.

St: My name is Detective William Steen last name S-T-E-E-N with the Washington State Patrol.

W: Joshua Starnes, do you understand that this statement is being recorded?

S: (Faint) Yes.

W: Would you give your full name and spell it please?

S: Joshua Robert Starnes J-O-S-H-U-A um R-O-B-E-R-T S-T-A-R-N-E-S.

W: And (inaudible) your address?

S: [REDACTED]

W: Home telephone number?

S: [REDACTED]

W: Uh do you have a work telephone number?

S: No.

Starnes Statement
By Detective Shelby Wilcox
12/31/2009

1 S: On either Xbox live or one of the messengers. Or possibly
2 vint.

3 St: Vint?

4 S: Vint yeah it's a um it's a voice server that uh chat people
5 with.

6 St: So when you get up you turn your computer on you decide to go
7 to your chat rooms. Is there one particular one that you
8 normally go to first or particular people that you would
9 choose to talk to first?

10 S: Uh I-I have hundreds of friends but whoever's online I talk
11 to. Um like I said I always turn on my Xbox live and uh
12 usually go with GooberMSN the most.

13 W: Are those international; can you get... they are international.
14 What do you chat with-about with the people on uh goober MSN?

15 S: Um usually boys.

16 W: Boys, do you have a age range?

17 S: Not really.

18 W: Okay, are we talking what about the boys?

19 S: Just general conversation.

20 W: To other adults or to boys?

21 S: To other adults.

22 St: Whom are you looking for when you go on those chats? Adults or
23 boys?

24 S: Adults. (Faint) I wouldn't hurt a kid.

Starnes Statement
By Detective Shelby Wilcox
12/31/2009

- 1 St: I'm sorry I didn't hear you.
- 2 S: I wouldn't hurt a kid.
- 3 St: You wouldn't hurt a kid.
- 4 S: No. That's why I stay home every day.
- 5 W: So is it all chat or have you sent um images of anything or
- 6 received images?
- 7 S: Yes.
- 8 W: Yes on what?
- 9 S: On both.
- 10 W: You received images and you've sent images to other people.
- 11 S: Yes.
- 12 W: Okay. What do you think I am talking about when I say images?
- 13 S: Pictures.
- 14 W: Of?
- 15 S: Child pornography.
- 16 W: Okay, you know these are um of child pornograph-pornography?
- 17 S: Yes.
- 18 W: Okay, how many uh images do you think that you have on your
- 19 computer?
- 20 S: I have no idea. Probably more than fifty thousand but im not
- 21 really sure.
- 22 W: Okay, do you just do images or videos too?
- 23 S: Yes I have videos.
- 24 W: You have videos. How may videos might you have?

Starnes Statement
By Detective Shelby Wilcox
12/31/2009

- 1 W: When you worked at Burger King um was it just because of
2 availability or because you thought that kids go in there and
3 you can see kids?
- 4 S: No its because I was taking a class in school that required me
5 to have a job. So I just took one as fast as I could get it.
- 6 W: Okay. These fantasies that you have about boys they um how
7 often do you get that?
- 8 S: Everyday.
- 9 W: What makes you think that you wont act on it?
- 10 S: Because I have-I have strong will to control myself.
- 11 St: Has that thought ever passed your mind. Have you considered
12 that ever?
- 13 S: No not really.
- 14 St: Not really or never?
- 15 S: No. Never.
- 16 St: Have you-have you ever had like a young boy visit you at your
17 house?
- 18 S: No.
- 19 St: Have you visited a young boy outside of your house?
- 20 S: No.
- 21 St: Have you talked to one consistently on a regular basis in the
22 last year?
- 23 S: No.